



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE 17 - 18  
BILL 5 (2017)

## A BILL FOR AN ORDINANCE

RELATING TO REZONE LAND SITUATED AT MOANALUA, OAHU, HAWAII

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Zoning Map No. 6 (Red Hill-Fort Shafter), Ordinance 86-109, is hereby amended as follows: Land situated at 3375 Salt Lake Boulevard, Honolulu, Oahu, Hawaii, hereinafter described, is hereby rezoned from the F-1 Military and Federal Preservation District to the R-5 Residential District. The boundaries of said District shall be described as shown on the map attached hereto, marked "Exhibit A" and made a part hereof, and further identified as Tax Map Key: 1-1-010:050.

SECTION 2. A Unilateral Agreement marked "Exhibit B" is by reference incorporated herein and made a part hereof.

DPP16Z-6.B16



CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

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SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

*[Signature]* (br)

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

JAN - 5 2017

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

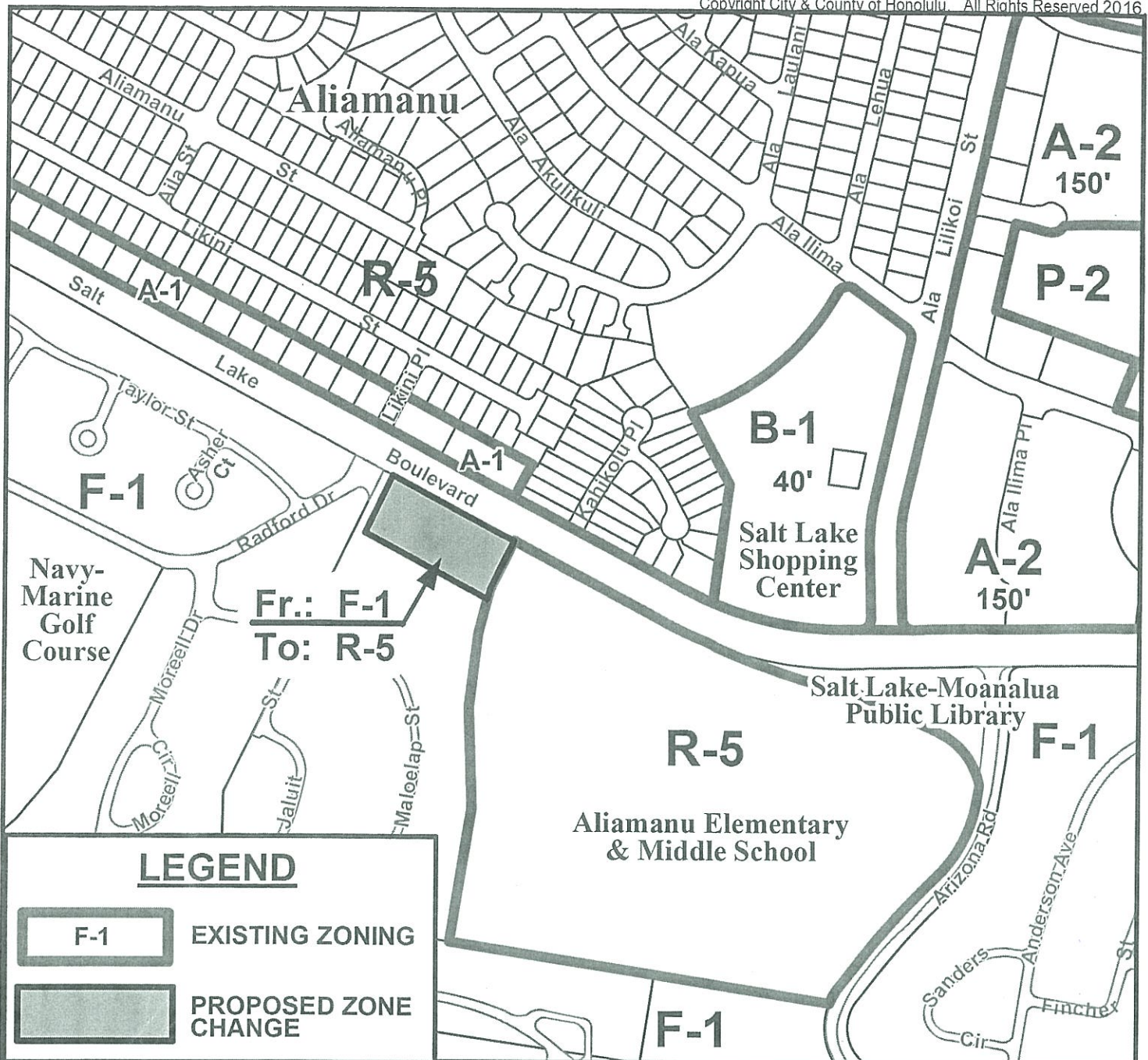
*[Signature]*  
Deputy Corporation Counsel DON S. KITAOKA

APPROVED this 12<sup>th</sup> day of May, 2017.

*[Signature]*

KIRK CALDWELL, Mayor  
City and County of Honolulu

10:03 AM 2-14-17



## ZONING MAP No. 6 (RED HILL - FORT SHAFTER)



0 200 400

Scale in Feet



Land situated along Salt Lake Boulevard approximately fifty feet east of Radford Drive, west of and adjacent to Aliamanu Elementary & Middle School and approximately 600 feet west of and across the street from Salt Lake Shopping Center.

**APPLICANT:** Island Family Christian Church

**TAX MAP KEY(S):** 1-1-10: 50

**FOLDER NO.:** 2016/Z-6

**LAND AREA:** 1.389 Acres

**PREPARED BY:** DEPARTMENT OF PLANNING & PERMITTING  
CITY AND COUNTY OF HONOLULU

**PUBLIC HEARING:** PLANNING COMMISSION

CITY COUNCIL

ORD. NO. 17-18

DEC 07 2016

MAR 22 2017

2016/Z-5

EFF. DATE: MAY 12 2017

EXHIBIT A

OFFICE OF THE  
ASSISTANT REGISTRAR, LAND COURT  
STATE OF HAWAII  
(Bureau of Conveyances)

The original of this document was  
recorded as follows:

DOCUMENT#

DATE

Doc T-9963262  
CT 1078196  
April 12, 2017 8:02 AM

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL ( ) PICKUP (X) TO:

Island Family Christian Church  
3375 Salt Lake Boulevard  
Honolulu, Hawaii 96818

TOTAL PAGES: 7

TITLE OF DOCUMENT: Unilateral Agreement and Declaration for  
Conditional Zoning

PARTY TO DOCUMENT: ISLAND FAMILY CHRISTIAN CHURCH, a Hawaii  
nonprofit corporation

PROPERTY DESCRIPTION: Lot 1046-A, Ld. Ct. App. 1074, CT No.  
1,078,196

TAX MAP KEY NO. (1) 1-1-010-050

UNILATERAL AGREEMENT AND  
DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE (hereinafter referred to as this "Unilateral Agreement" or this "Declaration"), made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by ISLAND FAMILY CHRISTIAN CHURCH, a Hawaii nonprofit corporation, whose address is 3375 Salt Lake Boulevard, Honolulu, Hawaii 96818 (hereinafter referred to as the "Declarant"),

**WITNESSETH:**

WHEREAS, the Declarant is the owner in fee simple of that certain parcel of land situated at Moanalua, City and County of Honolulu, State of Hawaii, consisting of approximately 1.389 acres, more or less, described as Tax Map Key No. (1) 1-1-010-050, and more particularly described in Exhibit A attached hereto and made a part hereof (the "Land"), and desires to make the Land subject to this Unilateral Agreement; and

WHEREAS, the Declarant and its predecessors have operated a church on the Land since 1955; and

WHEREAS, the Land was leased by the Declarant and its predecessors from the United States Navy and has been zoned F-1 Military and Federal Preservation District; and

WHEREAS, the Declarant acquired the fee interest in the Land from the Navy by a Quitclaim Deed and Sewer Line Easement dated May 8, 2014, which was filed in the Office of the Assistant Registrar of the Land Court of Hawaii as Land Court Document No. No. T-8897120 and noted on Transfer Certificate of Title No. 1,078,196; and

WHEREAS, because of the conveyance of the Land to the Declarant, the Land was removed from Federal jurisdiction and, while the F-1 Military and Federal Preservation District zoning remains, pursuant to Section 21-3.40(d) of the Revised Ordinances of Honolulu 1990 ("ROH"), all uses, structures, and development standards shall be those under the P-2 General Preservation District; and

WHEREAS, churches (meeting facilities) are not a permitted use in the P-2 General Preservation District; and

WHEREAS, the Declarant seeks rezoning of the Land from F-1 Military and Federal Preservation District to the R-5 Residential District, in which churches (meeting facilities) are permitted as a conditional or existing use; and

WHEREAS, the City Council (the "Council") of the City and County of Honolulu (the "City"), pursuant to the provisions of the Land Use Ordinance ("LUO"), ROH Section 21-2.80, as amended, relating to conditional zoning, is considering a change in zoning under the LUO of the Land from the F-1 Military and Federal Preservation District to the R-5 Residential District (the "zone change"); and

WHEREAS, a public hearing regarding the zone change, Bill 5 (2017), was held by the Council on March 22, 2017; and



WHEREAS, the Council recommended by its Zoning and Housing Committee Report No. 137 that the said zone change be approved, subject to the following conditions contained in this Declaration to be made pursuant to the provisions of ROH Section 21-2.80, as amended, relating to conditional zoning, and to become effective on the effective date of the zoning ordinance approving the zone change (the "Rezoning Ordinance");

NOW THEREFORE, the Declarant hereby covenants and declares as follows:

1. Affordable Housing. Prior to building permit approval for more than six residential dwelling units on the Land, the Declarant shall execute a binding agreement to participate in an affordable housing plan that is acceptable to the Department of Planning and Permitting of the City and County of Honolulu ("DPP"), in accordance with adopted rules. The agreement shall provide for no less than 30 percent of the total number of dwelling units constructed to be affordable housing units.
2. Flight Operations Disclosure. The Declarant shall inform all prospective purchasers, lessees, renters, or residential occupants of the Land of potential aircraft flight and airport activity and related impacts, including but not limited to, noise, fumes, smoke vibrations, and odors. The Declarant shall record the disclosure statement with the Office of the Assistant Registrar of the State of Hawaii Land Court within 60 days from the effective date of the Rezoning Ordinance and provide a copy of the recorded document to the DPP for its records.
3. Elevation Agreement. The Declarant shall execute a signed Elevation Agreement with the Honolulu Board of Water Supply acknowledging less than standard water pressure for the Land. The Declarant shall record the signed Elevation Agreement with the Office of the Assistant Registrar of the State of Hawaii Land Court within 60 days from the effective date of the Rezoning Ordinance and provide a copy of the recorded document to the DPP for its records.
4. Compliance With Other Governmental Requirements. The Declarant acknowledges that approval of the zone change does not constitute compliance with other LUO or other governmental requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that any future development of the Land complies with all applicable LUO and other governmental provisions and requirements, including but not limited to all rules and regulations relating to flight operations in airspace above properties located within airport areas.

5. Annual Reports. On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction of and/or describing its progress toward complying with each condition of approval for this zone change. The status report shall be submitted to the DPP by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied.
6. Noncompliance With Conditions. In the event of noncompliance with any of the conditions set forth herein, the Director of Planning and Permitting shall inform the Council and may seek civil enforcement or take appropriate action to terminate or stop any future development of the Land until applicable conditions are met, including but not limited to revoking any permits issued under this zoning and withholding issuance of other permits related to the future development of the Land. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

NOW, THEREFORE, the Declarant hereby makes the following additional Declarations:

As used herein, references to a specific City department or agency shall be deemed to include a reference to any successor department or agency.

That the conditions imposed herein are reasonably conceived to fulfill public service demands created by the requested change in zoning and are rationally related to the objective of preserving the public health, safety and general welfare and the further implementation of the General Plan of the City and County of Honolulu.

That the development of the Land shall conform to the aforesaid conditions with the understanding that, at the request of the Declarant and upon the satisfaction of the conditions set forth in this Unilateral Agreement, the Department of Planning and Permitting may fully or partially release, as applicable, any of the foregoing conditions that have been fulfilled.

That if there are any conflicts between this Unilateral Agreement and any previous unilateral agreement(s) applicable to the Land, the terms and conditions of this Unilateral Agreement shall apply.

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the Land and shall bind and constitute notice to all the parties hereto and subsequent lessees, grantees, assignees, mortgagees, lienors, successors, and any other persons who have or claim to have an interest in the Land, and the City and County of Honolulu shall have the right to enforce this Declaration by rezoning, appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may file a petition with the Department of Planning and Permitting for amendment or removal of any conditions or termination of this Declaration, such petition to be processed in the same manner as petitions for zone changes.

IN WITNESS WHEREOF, the Declarant has executed this Unilateral Agreement and Declaration for Conditional Zoning on the day and year first above written.

DECLARANT:

ISLAND FAMILY CHRISTIAN CHURCH, a  
Hawaii nonprofit corporation

By William B. Lovell Jr.  
Its TRUSTEE  
William B. Lovell, Jr.

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) SS  
)

On 4/3/17, in the First Circuit, State of Hawaii, before me personally appeared William B. Lovell, Jr., to me personally known, who, being by me duly sworn or affirmed, did say that he executed the foregoing instrument identified or described as a Unilateral Agreement and Declaration for Conditional Zoning as his free act and deed, and if applicable in the capacity(ies) shown, having been duly authorized to execute such instrument in such capacity(ies).

The foregoing instrument is dated undated and contained 7 pages at the time of this acknowledgment/certification.



Malia M. Ruiz  
MALIA M. RUIZ, NOTARY PUBLIC, STATE OF HAWAII  
My Commission Expires: 12-05-20



Print Name: Malia M. Ruiz  
Notary Public, State of Hawaii

My Commission Expires: 12/05/20

**EXHIBIT A**

Property Description

ALL of that certain parcel of land situate at Moanalua, City and County of Honolulu, Island of Oahu, State of Hawaii, described as follows:

Lot 1046-A, consisting of approximately 1.389 acres, more or less, as shown on Map 252, as set forth in Land Court Order No. 20884 filed in the Office of the Assistant Registrar of the State of Hawaii with Land Court Application 1074, being the property covered by Certificate of Title No. 1,078,196 issued to Island Family Christian Church, a Hawaii non-profit.

Being the same property conveyed to Island Family Christian Church by the United States of America, acting by and through the Department of the Navy, by Quitclaim Deed and Sewer Line Easement dated May 8, 2014, filed in said Office as Document No. T-8897120 and noted on Certificate of Title No. 1,078,196.

TAX MAP KEY NO. (1) 1-1-010-050.

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

ORDINANCE 17-18

BILL 5 (2017)

Introduced: 01/05/17

By: RON MENOR – BY REQUEST

Committee: ZONING AND HOUSING

Title: A BILL FOR AN ORDINANCE RELATING TO REZONE LAND SITUATED AT MOANALUA, OAHU, HAWAII.

Voting Legend: \* = Aye w/Reservations

01/25/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE. 2 ABSENT: MARTIN, OZAWA.
03/09/17	ZONING AND HOUSING	CR-97 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
03/11/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
03/22/17	COUNCIL/PUBLIC HEARING	CR-97 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
03/31/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
04/06/17	ZONING AND HOUSING	CR-137 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
04/26/17	COUNCIL	CR-137 ADOPTED AND BILL 5 (2017) PASSED THIRD READING. 8 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: ELEFANTE.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.

  
\_\_\_\_\_  
GLEN I. TAKAHASHI, CITY CLERK  
\_\_\_\_\_  
RON MENOR, CHAIR AND PRESIDING OFFICER